

SENATE/HOUSE FILE _____
BY (RECOMMENDED BY
THE CRIMINAL CODE
REORGANIZATION STUDY
COMMITTEE BILL)

A BILL FOR

1 An Act relating to extending a period of probation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. Section 901.5, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. The court shall inform the defendant
4 that any period of probation may be extended for up to one year
5 as authorized in section 907.7.

6 Sec. 2. Section 907.7, subsection 1, Code 2009, is amended
7 to read as follows:

8 1. The length of the probation shall be for a ~~term~~ period as
9 the court shall fix but not to exceed five years if the offense
10 is a felony or not to exceed two years if the offense is a
11 misdemeanor. The period of probation may be extended for up
12 to one year including one year beyond the maximum period as
13 provided in section 908.11.

14 Sec. 3. Section 908.11, subsection 4, Code 2009, is amended
15 to read as follows:

16 4. If the violation is established, the court may continue
17 the probation or youthful offender status with or without
18 an alteration of the conditions of probation or a youthful
19 offender status. If the defendant is an adult or a youthful
20 offender the court may hold the defendant in contempt of court
21 and sentence the defendant to a jail term while continuing the
22 probation or youthful offender status, order the defendant
23 to be placed in a violator facility established pursuant to
24 section 904.207 while continuing the probation or youthful
25 offender status, extend the term of probation for up to one
26 year as authorized in section 907.7 while continuing the
27 probation or youthful offender status, or revoke the probation
28 or youthful offender status and require the defendant to serve
29 the sentence imposed or any lesser sentence, and, if imposition
30 of sentence was deferred, may impose any sentence which might
31 originally have been imposed.

32 Sec. 4. Section 910.4, subsection 1, paragraph b,
33 subparagraph (1), Code 2009, is amended to read as follows:

34 (1) If the court extends the period of probation, ~~it~~ the
35 period of probation shall not be for more than the maximum

1 period of probation for the offense committed except for an
2 extension of a period of probation as ~~provided~~ authorized in
3 section 907.7. After discharge from probation or after
4 the expiration of the period of probation, as extended if
5 applicable, the failure of an offender to comply with the plan
6 of restitution ordered by the court shall constitute contempt
7 of court.

8 EXPLANATION

9 This bill relates to the extension of a period of
10 probation. The bill provides that a judge may extend a period
11 of probation, for up to one year including one year beyond
12 the maximum period, if a violation of probation has been
13 established.

14 The bill also requires the court to inform a defendant, at
15 the time of sentencing, that the period of probation may be
16 extended for up to one year if a violation of probation is
17 established.